

COPY

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

T00-0079

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railway Company hereinafter referred to as the "Company", the City of Aurora, hereinafter referred to as the "City" and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission that inquiry should be made into the matter of improving public safety at the grade crossings of the Company's track with Illinois Avenue (DOT 069 640U) and New Indian Trail Road (DOT 069 643P) in Aurora, Kane County, Illinois; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid rail-highway grade crossings by the Commission's Railroad Section Staff; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements as hereinafter contained, the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that, in the interest of the statewide traveling public, the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1: All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2: The parties are of the opinion that in the interest of public safety the City should make the following improvements at the Illinois Avenue and New Indian Trail Road crossings and where said roadways intersect Highland Avenue near the crossings:

- a. install crosshatched pavement striping on both sides of the track at each crossing; install "Do Not Stop On Tracks" signs for eastbound traffic at each crossing, one sign east and one sign west of the track; install "Caution Walk Time Shortened When Train Approaches" signs near pedestrian signals at each intersection with Highland Avenue; replace traffic signal control equipment at each intersection with new equipment having track clearance re-service capabilities and continuous self checking of critical preemption timings; install traffic signal remote monitoring equipment at each intersection; upgrade the railroad interconnect circuit to a supervisory design at each crossing; establish the traffic signal

DOCKETED

railroad preemption sequence for each crossing as set forth in Exhibits B and C attached to and made a part of this Agreement.

Section 3: The City has prepared an estimate of cost to accomplish the proposed work which it may be required to perform; said estimate is attached as Exhibit A, and shall upon Order, according to the requirements contained therein, prepare general plans and any required specifications for the proposed improvements for the approval of the Commission and the Department.

Section 4: The City shall upon entry of the Commission's Order, according to the requirements contained therein, proceed toward the completion of its work proposed herein accomplishing the improvements with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be two (2) months, the submission of a progress report should be three (3) months and for completion of the work should be twelve (12) months from the date the Commission's Order is entered approving this Agreement. Said progress report shall include the name, title, mailing address, phone number and facsimile number of the City employee responsible for management of the project.

Section 5: The parties hereto agree that an equitable division of cost to perform the proposed improvements should be:

- a. the cost for the City to perform the work proposed herein as set forth on attached Exhibit A, estimated to be \$47,476, should be allocated 90% of the actual cost, not to exceed \$42,728, to the Grade Crossing Protection Fund of the Motor Fuel Tax Law, and the remaining cost, and all future cost of operation and maintenance, to the City.

Section 6: The City is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 7: The City agrees to post a readily visible notice inside its traffic signal cabinets at Highland Avenue, for the traffic signals interconnected with the warning devices at the Illinois Avenue and New Indian Trail Road crossings, notifying its personnel not to alter the railroad preemption sequence for its traffic signals in a manner which would reduce the amount of time vehicles encroaching the track zone would have to clear the Company's track without Commission approval. An actual size copy of such notice shall be submitted to the Commission's Railroad Safety Program Administrator for approval before being installed.

Section 8: This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall within 60 days enter an appropriate order accepting or rejecting such stipulation according to the provisions contained herein.

Section 9: All bills for expenditures set forth in Section 5 herein shall be submitted to the Department's district office and the final bill for expenditures shall be clearly marked "Final Bill", and authorization for reimbursement from the Grade Crossing Protection Fund shall expire and the Department shall de-obligate all residual Grade Crossing Protection Fund money twelve (12) months after the completion date specified in the Order.

Section 10: The City shall file a written report with the Director of Processing and Information of the Commission within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of the total project and percentage of completion of the project; if the project is behind schedule the report must include a brief explanation of the reason (s) for the delay.

Section 11: The Company shall maintain existing circuit lengths at the Illinois Avenue and New Indian Trail Road crossings unless otherwise directed by the Commission.


In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 20th day of June, 2000.



Michael E. Stead
Railroad Safety
Program Administrator

Attest:



Daniel S. Drewes
Railroad Section

Illinois Commerce Commission Stipulated Agreement No. 928 concerning the modernization of traffic signal control systems and associated work at The Burlington Northern and Santa Fe Railway Company's Illinois Avenue grade crossing (DOT 069 640U) and New Indian Trail Road grade crossing (DOT 069 643P) adjacent to Highland Avenue in Aurora, Illinois.

Executed by The Burlington Northern and Santa Fe Railway Company this 25 day of July, 2000.

THE BURLINGTON NORTHERN AND SANTA
FE RAILWAY COMPANY

By Cheryl Jenkins
(Title)

Attest:

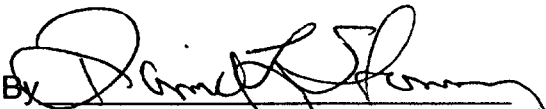
Wesley Pratt

APPROVED AS TO FORM 7/5/00
Wesley Pratt
Burlington Northern Santa Fe Law Department

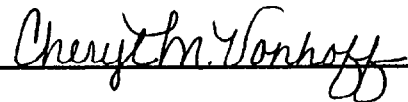
Illinois Commerce Commission Stipulated Agreement No. 928 concerning the modernization of traffic signal control systems and associated work at The Burlington Northern and Santa Fe Railway Company's Illinois Avenue grade crossing (DOT 069 640U) and New Indian Trail Road grade crossing (DOT 069 643P) adjacent to Highland Avenue in Aurora, Illinois.

Executed by the City this 25th day of July, 2000.

CITY OF AURORA

By 
(Title) Mayor

Attest:



Illinois Commerce Commission Stipulated Agreement No. 928 concerning the modernization of traffic signal control systems and associated work at The Burlington Northern and Santa Fe Railway Company's Illinois Avenue grade crossing (DOT 069 640U) and New Indian Trail Road grade crossing (DOT 069 643P) adjacent to Highland Avenue in Aurora, Illinois.

Executed by the Department this 16th day of August, 2000.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By James C. Skiper
Director of Highways

**CITY OF AURORA
ENGINEERING DEPARTMENT
PRELIMINARY COST ESTIMATE
ICC UPGRADE TO TRAFFIC SIGNALS**

DATE MAY 30, 2000

	ITEM	UNITS	QUANTITY	UNIT PRICE	TOTAL COST
1	FULL-ACTUATED CONTROLLER, STANDARD SEQUENCE IV, 8 PHASES IN TYPE IV CABINET	EACH	2.00	12,000.00	24,000.00
2	REMOVAL OF EXISTING TRAFFIC SIGNAL EQUIPMENT	EACH	2.00	2,000.00	4,000.00
3	INDUCTION LOOP DETECTOR AMPLIFIER	EACH	16.00	150.00	2,400.00
4	DRILLING EXISTING HANDHOLE	EACH	10.00	150.00	1,500.00
5	HANDHOLE	EACH	1.00	800.00	800.00
6	TRENCH AND BACKFILL	FOOT	450.00	2.00	900.00
7	GALVANIZED STEEL CONDUIT IN TRENCH, 1 1/2"	FOOT	450.00	6.00	2,700.00
8	GALVANIZED STEEL CONDUIT, PUSHED, 1 1/2"	FOOT	300.00	15.00	4,500.00
9	ELECTRIC CABLE IN CONDUIT, No. 14, 3/c	FOOT	750.00	0.80	600.00
10	FURNISHING AND PLACING TOPSOIL	SY	60.00	5.00	300.00
11	SEEDING, CLASS 1A	SY	60.00	2.00	120.00
12	THERMOPLASTIC PAVEMENT MARKINGS, 6"	FOOT	400.00	1.00	400.00
13	THERMOPLASTIC PAVEMENT MARKINGS, 24"	FOOT	70.00	2.00	140.00
14	STREET SIGNS	EACH	8.00	100.00	800.00
ESTIMATED COST					\$ 43,160.00
10% CONTINGENCY					4,316.00
TOTAL ESTIMATED COST					\$ 47,476.00

Exhibit A
Illinois Ave (069 6404)
New Indian Trail Rd (069 6438)

Traffic Signal Railroad Preemption Sequence for Illinois @ Highland

	Time (seconds)
Delay ¹	1
Minimum Green	1
Ped Clearance Before Yellow ²	0
Max Yellow Interval ³	4.0
Max Red Interval ³	1.0
Max Time Before Track Clearance Green	7.0
Track Clearance Time ⁴	24

¹One second programmed into RR preemptors to limit false calls and required for proper 3 wire supervisory interconnect operation.

²Time should be zero unless extraordinary conditions exist where additional ped clearance time is necessary.

³Based on information provided by the City of Aurora. Includes up to 4 seconds of concurrent flashing Don't Walk.

⁴Track clearance time was determined based on queue storage area from the intersection through the crossing.

Traffic Signal Railroad Preemption Sequence for New Indian Trail @ Highland

	Time (seconds)
Delay ¹	1
Minimum Green	1
Ped Clearance Before Yellow ²	0
Max Yellow Interval ³	4.0
Max Red Interval ³	1.5
Max Time Before Track Clearance Green	7.5
Track Clearance ⁴	23

¹One second programmed into RR preemptors to limit false calls and required for proper 3 wire supervisory interconnect operation.

²Time should be zero unless extraordinary conditions exist where additional ped clearance time is necessary.

³Based on information provided by the City of Aurora. Includes up to 4 seconds of concurrent flashing Don't Walk.

⁴Track clearance time was determined based on queue storage area from the intersection through the crossing.

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date July 25, 2000

Agreement # 928

The City of Aurora, Illinois
(Board or Council of Township, Village, City, County, etc.)

meeting on July 25, 2000, Resolved to authorize Peter J. Haurykiewicz,
City Engineer
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated agreement and
that the City of Aurora is financially willing and able to
(Township, Village, City, County)

bear the cost for the proposed improvements as may be assigned to it according
to Section 5 of this Agreement.